

## Chapter 280 (Provision Of Competitive Telecommunications Services)

### Proposed Amendments in Docket No. 2002-687 (November, 2002)

## 2. DEFINITIONS

**NOTE:** Existing subsections A through K of Section 2 are unchanged. If new proposed subsection L (printed below) is adopted, existing subsections L and M (definitions of "Resale" and "telecommunications carrier") will become subsections M and N. The proposed text of new subsection L is:

L. Rural Incumbent Local exchange Carrier. An "incumbent local exchange carrier" (ILEC) means a local exchange carrier or its successor that provided local exchange service in a defined service territory in Maine on February 8, 1996 or that is designated as an ILEC pursuant to 47 U.S.C. § 251(h)(2). A "rural local exchange carrier" or "rural telephone company" is defined in 47 U.S.C. §153(37).

## 8. ACCESS RATES

**NOTE:** As described in the Notice of Rulemaking, the Commission proposes to repeal all of existing Section 8, which at this point consists only of subsections F, I and J. The substance of existing subsection F would be re-adopted as new subsection E below.

A. Rate Schedules. Each local exchange carrier authorized to provide local exchange service in the State of Maine shall file and maintain rate schedules establishing that carrier's access rates pursuant to 35-A M.R.S.A. § 307.

B. Maximum Intrastate Access Rates for Rural ILECs Prior to May 30, 2003.

1. Rural ILECs With Access Rates At or Below Interstate Rates for 1999. **ALTERNATIVE 1:** Notwithstanding any prior order of the Commission, if the intrastate access rates for a rural incumbent local exchange carrier in effect on the effective date of the 2003 amendments to this Chapter are less than or equal to the interstate rates for that carrier that became effective in 1999, but exceed the most recent interstate rates for the carrier that became effective prior to May 30, 2001, the carrier, within 30 days following the effective date of the 2003 amendments to this Chapter, must establish rates that are less than or equal to the most recent interstate rates for that carrier that became effective on or before May 30, 2001. **ALTERNATIVE 2:** If the intrastate access rates for a rural incumbent local exchange carrier in effect on the effective date of the 2003

amendments to this Chapter are less than or equal to the interstate rates for that carrier that became effective in 1999, but exceed the most recent interstate rates for the carrier that became effective prior to May 30, 2001, the carrier may leave those rates in effect until May 29, 2003 or may establish rates that are less than or equal to the most recent interstate rates for that carrier that became effective on or before May 30, 2001;

2. Rural ILECs With Access Rates in Excess of 1999 Interstate Rates. Notwithstanding any prior order of the Commission, if the intrastate access rates for a rural incumbent local exchange carrier that are in effect on the effective date of the 2003 amendments to this Chapter are not less than or equal to the interstate rates for that carrier that became effective in 1999, the carrier, on or before April 1, 2003, must reduce those rates to a level that is less than or equal to the most recent interstate rates for that carrier that became effective on or before May 30, 2001. The Commission may issue a notice that alters the deadline for establishing the rates required by this paragraph to the date on which the Maine Universal Service Fund is prepared to begin payments to rural incumbent local exchange carriers that are eligible for universal service funding;

C. Maximum Intrastate Access Rates for Other LECs Prior to May 30, 2003. No later than 30 days following the effective date of the 2003 amendments to this Chapter, all local exchange carriers not described in subsection B shall establish intrastate access rates that are less than or equal to the most recent interstate rates for that carrier that became effective on or before May 30, 2001.

D. Rates for All LECs Effective May 30, 2003 and Every Two Years Thereafter. No later than May 30, 2003, all local exchange carriers shall establish intrastate access rates that are less than or equal to the most recent interstate rates for that carrier that are in effect on May 30, 2003. On or before May 30 of every two years thereafter (all odd-numbered years), all local exchange carriers shall reestablish intrastate access rates that are less than or equal to the interstate rates for that carrier that are in effect on May 30 of that year.

E. Direct End-User Access Charges Prohibited. All access charges imposed by LECs shall be charged directly to interexchange carriers and no component of an access charge shall be charged by an local exchange carrier directly to an end-user.